

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.662 OF 2004**

**Dated: 12-9-2007**

Between:

Smt.Sree Ram Raja, W/o Satyanarayana

... Petitioner

And

1.The Andhra Bank, rep. By its  
General Manager, Hyderabad.

2.The Branch Manager, Andhra Bank,  
Hyderabad road branch, Nizamabad.

3.The Recovery Officer and Tahsildar,  
Office of lead Bank, Nizamabad.

... Respondents

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**ORDER:**

The writ petition is filed seeking a declaration that the distraint order dated 27.12.2003 issued by the third respondent under the provisions of the A.P.Revenue Recovery Act, 1864 for the alleged recovery of the amounts due to the first respondent-bank from the petitioner in respect of the loan availed from the first respondent-bank under Prime Minister Rozgar Yojana Scheme as arbitrary and illegal.

2. The petitioner does not dispute the fact that she had availed loan of Rs.93,676/- under Prime Minister Rozgar Yojana Scheme from the first respondent-bank on 26.2.1997. However, it is stated that she has already paid substantial amounts on various dates. It is also contended that the impugned distraint order issued by the third respondent, purportedly in exercise of the powers conferred under A.P.Revenue Recovery Act ( for short 'the Act') is arbitrary and illegal, since no prior opportunity was given to the petitioner to make her representation against the proposed action as provided under the Act.

3. This court while directing Rule nisi by order dated 8.1.2004, granted interim stay subject to the condition of the petitioner depositing a sum of

Rs.35,000/- within a period of four weeks.

4. The learned counsel for the petitioner states that in compliance with the said direction, the petitioner has deposited a sum of Rs.35,000/- within the time granted.

5. Despite notice, there is no appearance on behalf of the respondent and no counter affidavit is filed opposing the writ petition.

5. Having regard to the facts and circumstances and in the absence of counter- affidavit, accepting the uncontraverted averments in the writ petition, the impugned order is set aside and the writ petition is disposed of leaving it open to the respondents to take appropriate steps following due process of law, if any further amounts are due from the petitioner. No order as to costs.

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**JUSTICE G.ROHINI**

**12<sup>TH</sup> September, 2007.**

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